

## WESTFIELD-WASHINGTON

### BOARD OF ZONING APPEALS

June 3, 2008

0806-VS-08

Exhibit I

<b>PETITION NUMBER:</b>	0806-VS-08
<b>SUBJECT SITE ADDRESS:</b>	2719 South 1200 East
<b>APPELLANT:</b>	Garland and Jean Elmore
<b>REQUEST:</b>	This variance of standard request is to allow a primary building to be located behind accessory structures in the AG-SF1 District (WC 16.04.100, 2, c i 2 ii)
<b>CURRENT ZONING:</b>	AG-SF1
<b>CURRENT LAND USE:</b>	Agriculture/Residential
<b>APPROXIMATE ACREAGE:</b>	9.52
<b>RELATED CASES:</b>	None.
<b>EXHIBITS:</b>	1. Staff Report, 06/03/08 2. Aerial Location Map, 05/20/08 3. Property Card, 05/21/08 4. Photos of Subject Site, 5/22/08 5. Westfield Pubic Work Utility Infrastructure Interactive Map (5/23/08) 6. Appellant's Application and Plans, 05/07/08
<b>STAFF REVIEWER:</b>	Jennifer Miller

### **PROPERTY HISTORY**

The 9.52 acre subject property was split in 1996 from the parent parcel. There are no previous variances or code enforcement actions on this property.

### **ANALYSIS**

This variance case is to allow a primary building to be located behind existing accessory structures. The present location of the existing accessory structures and the topography of the front yard prevent the construction of the home towards the front of the property because septic system placement requirements can not be met.

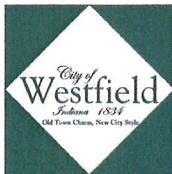
### **PROCEDURAL**

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under IC 36-7-4-918.5 only upon a determination in writing that:

### **STANDARDS FOR VARIANCE REQUEST**

1. The approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

**Finding:** The approval of such a variance will not be injurious to the public health, safety, morals and general welfare of the community. Despite being incorporated into the City of Westfield, water and sewer service is not anticipated in the area until major development occurs. The City of Westfield Public Works Department references the Westfield Pubic Works



Utility Infrastructure Interactive Map that is available online for anticipated build out of the water and sewer systems (Exhibit 5). This map indicates that a twelve (12) inch water main and eight (8) inch gravity sewer will be in the area at some point in the future, but does not commit to a timeframe. In the interim, septic systems are required to protect the surrounding environment from household wastewater.

Due to the topography of the front portion of the property, the location of the existing structures and the driveway, and the requirements for a septic system; an appropriate place for the principal structure is towards the rear of the property behind the existing accessory buildings.

2. The use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

**Finding:** The use and value of the area adjacent to the property will not be adversely impacted by the construction of the house behind to the rear of the existing buildings. The topography and landscape of the front yard blocks the view from the street (Exhibit 4), and the building line along this section of the Hamilton-Boone County Road is already scattered further contributing to the bucolic setting.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

**Finding:** The ordinance states that *No accessory buildings may be erected in the front yard of a principal structure (i.e., accessory buildings may not be located between a road right-of-way and a plane established by the portion of the principal structure closest to the right-of-way, running parallel to such a right-of-way).* The topography of the front yard is not conducive to the construction and maintenance of a septic field (Exhibit 4). That area has a sharp rise and fall just in front of the existing barns. The area behind the existing barns, while still having a slope, is less significant and more suitable for the construction of a house as well as meeting the requirements for a septic system per the Hamilton County Health Department.

#### **ADDITIONAL COMMENTS**

None.

#### **APPLICABLE CONDITIONS OF APPROVAL**

1. All future accessory structures constructed or placed on the property must be located behind the plane of the home that is closest to the right-of-way.

#### **RECOMMENDATIONS**

Approve this request, with the listed applicable conditions, based on the findings of this report.

\*\*\*\*\*

*JMM*

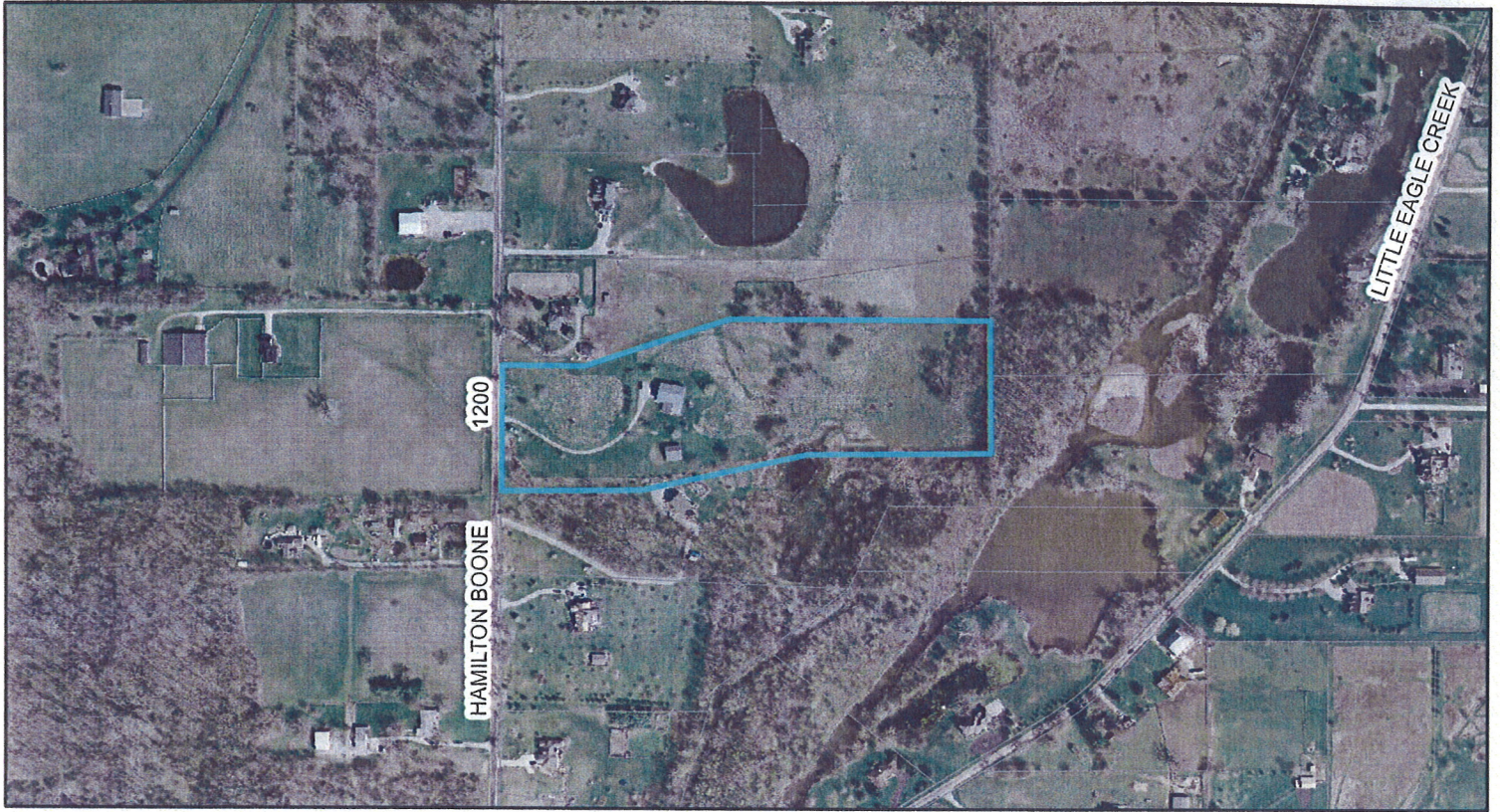




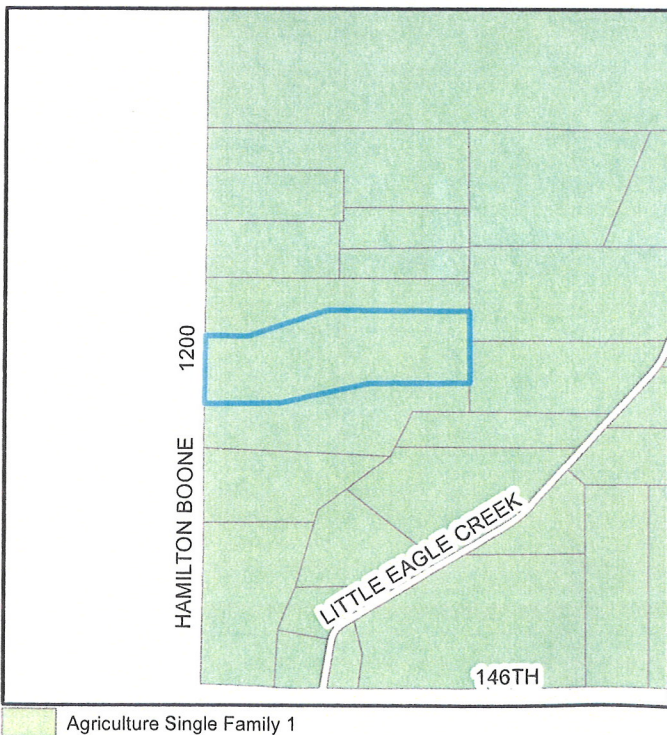
0806-VS-08  
08-09-18-00-00-038.004  
2791 South County Road 1200 East  
Exhibit 2



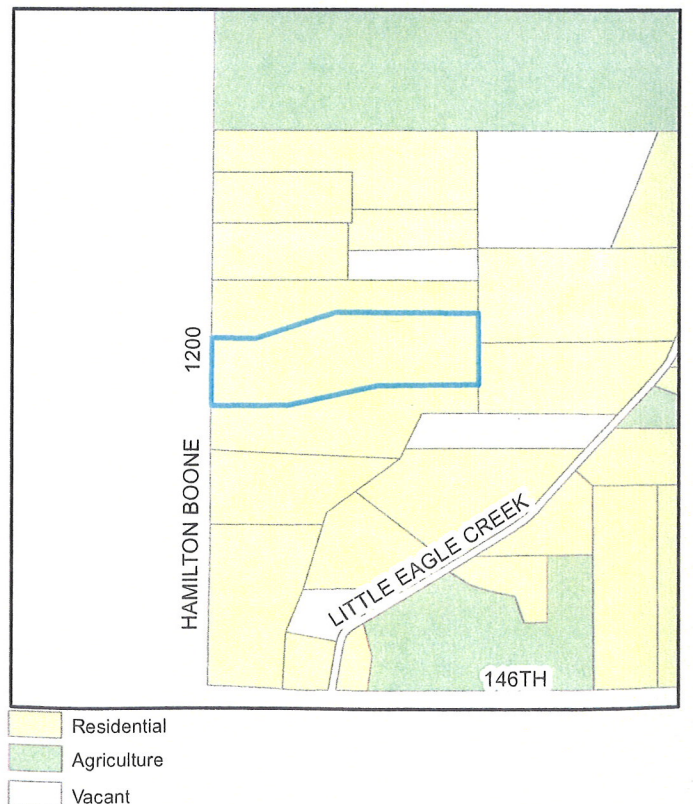
Aerial Location Map



Zoning Map



Existing Land Use Map





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**2. property search**

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spring tax statement

tax payments

property card

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**Summary Information - Parcel Number: 08-09-18-00-00-038.004****Property Data**

Parcel Location	2719 S 1200 E, Zionsville
Taxing Unit	Westfield Ag Abated
Legal Description	1/9/96 SPT FR HAMMES FR A 038.0
Section/Township/Range	S18 T18 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	9.52
Effective Frontage	
Effective Depth	
Property Class	Cash grain/general farm

**Exterior Features and Out Buildings**

1 Lean-To, 1 Barn, 1 Barn,  
1 Open Frame Porch,

**Property Owner as of April 30, 2007**

Elmore, Garland C &amp; Jean A

**Most Recent Valuation as of March 1, 2007**

Assessed Value: Land	51900
Assessed Value: Improvements	63400
Total Assessed Value:	115300

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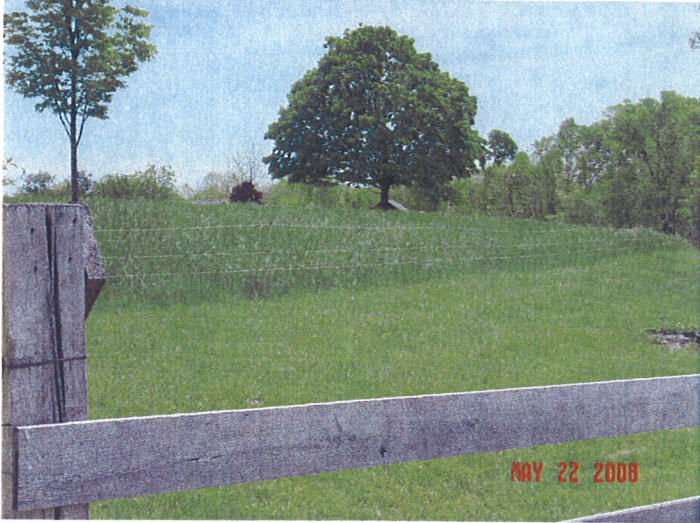
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Exhibit 4

View from Northwest corner of property on Hamilton-Boone County Road



View from the Southwest corner of property on Hamilton-Boone County Road



View straight into the center of the property from Hamilton-Boone County Road

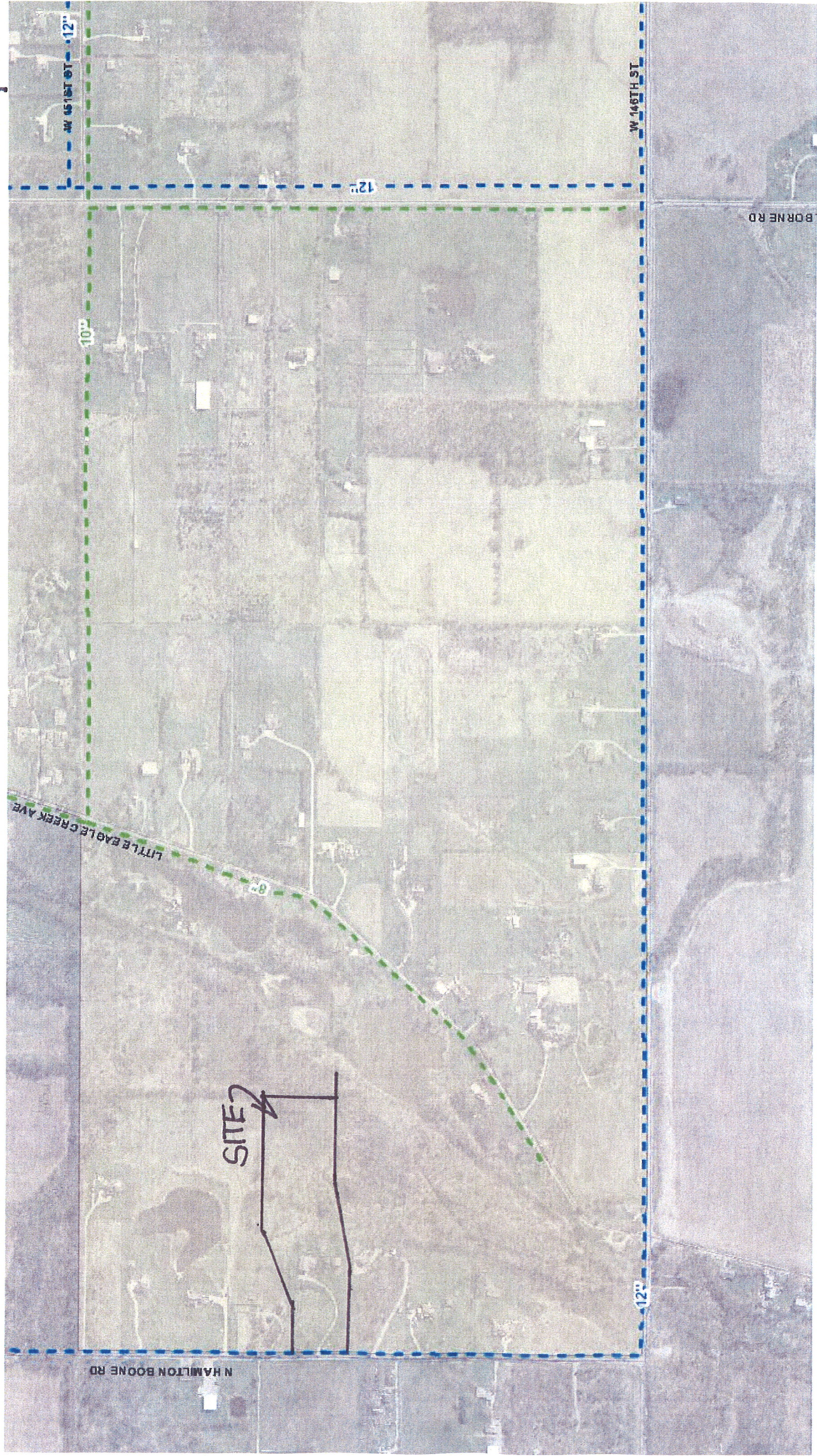








Exhibit 5



SITE 2



## TOWN OF WESTFIELD, INDIANA

Petition Number: 08 06 VS -08

Date of Filing: May 7, 2008

**Application for VARIANCE OF DEVELOPMENT STANDARD  
Westfield – Washington Township  
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Garland C. and Jean A. Elmore  
 Address 2719 South 1200 East  
Zionsville, IN 46077  
 Telephone Number 317.732.4215  
 E-Mail Address garland.elmore@gmail.com
2. Landowner's Name Same  
 Address Same  
 Telephone Number Same
3. \*Representative \_\_\_\_\_  
 \*Address \_\_\_\_\_  
 \*Telephone Number \_\_\_\_\_  
 \*Email Address \_\_\_\_\_

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
2719 South C.R. 1200 East, Zionsville, a 9.52 track  
located in Washington Township on the Hamilton County  
side of Boone-Hamilton line.
5. Legal description of property (list below or attach)  
PT. SW 1/4, Sec. 18, T18N, R3E, Washington Township,  
Hamilton County, Indiana  
Parcel #08-09-18-00-00-038.004
6. Complete description of the nature of the development standard variance applied for:  
WC 16.04.1002 Ci2 II  
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 \_\_\_\_\_  
 \_\_\_\_\_  
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7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions;
  - b. Location and dimensions of existing and proposed structures;
  - c. Location and dimensions of existing and proposed points of ingress and egress; and
  - d. All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

True. Permits and approvals have been obtained for the building, septic system and water well. The proposed septic site has been tested and it met all requirements. The proposed home was designed specifically for the property and neighborhood, and will be built to the highest standards by Gregg H. Montgomery Builders, a local general contractor known for quality craftsmanship and attention to detail.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

True. A new custom home to be located near the center of a 9.52 acre track will complement the surrounding land uses and will be an asset to the neighborhood. Increased value, improved grounds maintenance and overall visual appeal of the improvements will positively impact the adjacent properties without affecting their use. See attached statement.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

True. The ordinance focuses on the position of the home relative to accessory buildings, which are two barns built in 1997 and 2002 before the petitioners purchased the property in 2005. One of the barns was constructed on what would have been a good home site, but building in front of this barn to meet the strict application of the ordinance presents difficulties with septic system placement. Excavations for the drive and barns, as well a previous farm uses by previous owners have disturbed ground for a septic system and require crossing the drive. The proposed plan also improves overall aesthetics.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.



*Paula B. Emore Jean A. Emore*  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 17<sup>th</sup> DAY OF MAY, 2008.

*Bernice Eason*  
Notary Public

My commission expires: \_\_\_\_\_

BERNICE EASON, PUBLIC NOTARY  
MY COMMISSION EXPIRES: 02/02/13  
COUNTY OF RESIDENCE: MARION